

REMARKS

Claims 1-5, 9, 15 and 35-47 are now pending. A "clean" version of the paragraphs and claims amended herein is provided above. Amendments to the specification and the claims are indicated in the section entitled "Version Showing Changes Made", which follows the remarks.

The specification has been amended to indicate specific accession numbers disclosed in Claim 10 as originally filed.

Claims 1, 9 and 47 have been amended to specify sequences useful in the claims. Support is found, for example, in figure 10 as originally filed.

Claim 46 has been amended for clarity.

These amendments are made, in part, in adherence with 37 C.F.R. § 1.821-1.825. This amendment is accompanied by a floppy disc containing the above named sequence, SEQUENCE ID NUMBERS 1-62, in computer readable form, and a paper copy of the sequence information. The computer readable sequence listing was prepared through use of the software program "Patent-In" provided by the PTO. The information contained in the computer readable disk is identical to that of the paper copy. This amendment contains no new matter. Applicant submits that this amendment, the accompanying computer readable sequence listing, and the paper copy thereof serve to place this application in a condition of adherence to the rules 37 C.F.R. § 1.821-1.825.

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Applicants submit that the application is now in form for examination on the merits and subsequent allowance. If the Examiner believes that there are remaining issues that may be disposed of by telephone, she is invited to call the undersigned attorney at (415) 781-1989.

Respectfully submitted,

FLEHR, HOHBACH, TEST,
ALBRITTON & HERBERT

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James J. Diehl
James J. Diehl, Reg. No. 47,527 for:
David J. Brezner, Reg. No. 24,774

Four Embarcadero Center
Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989

VERSION SHOWING CHANGES MADE

IN THE SPECIFICATION:

The paragraph beginning page 7, line 15, has been replaced, amending the original paragraph as follows:

--Figure 10 depicts a preferred group of 1007 Accession numbers for genes, including expression sequence tags, upregulated in tumor tissue compared to normal breast tissue. These include accession numbers U41060 (SEQ ID NO:54), R46025 (SEQ ID NO:56), Z29083 (SEQ ID NO:57), AA428062 (SEQ ID NO:59), AA256485 (SEQ ID NO:60) and M57230 (SEQ ID NO:61).--

IN THE CLAIMS:

The following claims have been amended as indicated:

1. (Twice Amended) A method of screening drug candidates comprising:
 - a) providing a cell that expresses an expression profile gene selected from the group consisting of SEQ ID NOS: 51, 23, 54, 56, 57, 59, 60 and 61 [or a fragment thereof];
 - b) adding a drug candidate to said cell; and
 - c) determining the effect of said drug candidate on the expression of said expression profile gene.
9. (Twice Amended) A method of diagnosing breast cancer comprising:
 - a) determining the expression of one or more genes selected from the group consisting of a gene comprising the nucleic acid sequence of one of SEQ ID NOS: 51, 23, 54, 56, 57, 59, 60 and 61 [or a fragment thereof] in a breast tissue sample of a first individual; and
 - b) comparing said expression to expression of said gene(s) in a second normal tissue type from said first individual or a second tissue type of a second individual;wherein said comparison indicates that the first individual has breast cancer.
46. (amended) The method of Claim 9, wherein said determining is by measuring RNA expressed in said tissues [comprising the RNA equivalent of a sequence selected from the group consisting of SEQ ID NOS: 51, 23].
47. (Amended) The method of Claim 46, wherein said measuring utilizes a biochip comprising one or more nucleic acids comprising a nucleic acid sequence selected from the group consisting of SEQ ID NOS: 51, 23, 54, 56, 57, 59, 60 and 61 or a fragment thereof.--